

## REMARKS

### The Rejections Under 35 USC § 112

The rejections are moot in view of the amendments to the form of the claims.

### The Rejections Under 35 USC § 103

The Office Action cites two references and alleges that each reference teaches one component of the claimed composition.

*In re Jones*, 958 F.2d 347 (Fed. Cir. 1992) is dispositive of this rejection. In *Jones*, a certain salt comprised a cation and an anion. It was known in the field that the heterocyclic anion was the basis for the herbicidal activity of the salt. It was further known that the cation could be any quaternary ammonium cation. All would work because only the anion was the basis for the activity. Nevertheless, although the particular cation in the salt claimed was conventional *per se*, there was still no obviousness because nothing in the prior art suggested that, among all the known operable cations, the particular one at issue should be selected. Similarly here, even if it is alleged that each of the components of the composition would work for the same use (not admitted), more is needed to provide sufficient reason to make the particular combination claimed. But there is nothing more of record than such alleged, mere operability offered by the Office Action as a basis for the reason to combine the references. Under *Jones*, this basis is clearly insufficient. Thus, the rejection should be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908  
Attorneys for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201  
Direct Dial: 703-812-5331  
Facsimile: 703-243-6410  
Attorney Docket No.:SCH-1947-02  
Date: December 29, 2008